

GOTTLIEB & ASSOCIATES
ATTORNEYS

150 E. 18th St., Suite PHR • New York, NY 10003
Tel (212) 228-9795 • Fax (212) 982-6284
NYJG@aol.com

April 9, 2020

Honorable Alison J. Nathan
United States District Court Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

This case is hereby STAYED pending resolution of this Court's decision in *Lopez v. Kahala Restaurants*, No. 19-cv-10077 (AJN). The parties are ordered to submit a joint letter no later than one week after this Court's decision in *Kahala*.

Re: *Delacruz v. Ralph Lauren Corporation*,
Civil No.: 1:19-cv-10198

Dear Judge Nathan:

The undersigned represents Emanuel Delacruz, on behalf of himself and all other persons similarly situated ("Plaintiff") in the above-referenced action against Ralph Lauren Corporation, ("Defendant"). In accordance with Your Honor's Individual Rules and Practices, we respectfully request a stay of this matter pending the resolution of the Motion to Dismiss pending before the Court in *Henry Tucker v. Whole Foods Market Group, Inc.*, No. 19-cv-9842 (RA)(*Tucker*). The Defendant has consented to this stay and therefore it would not prejudice either party.

Tucker asserts identical claims as those asserted in this case. The decision on the Motion to Dismiss in *Tucker* will therefore have a significant impact on this case, as it will help clarify and possibly narrow the issues in the matter and also help the parties determine how to move forward. Therefore, staying this matter pending the resolution of *Tucker* is in the interest of judicial economy and will help conserve both the parties' and the Court's time and resources. A stay was entered for similar reasons in many other cases pending before this Court which assert identical claims.¹

In the alternative, if the Court is not inclined to stay this matter, Plaintiff requests the Initial Conference scheduled for April 23, 2020 at 3:30 p.m. (Dkt. 10) be adjourned *sine die*. The

¹Similar stays were recently granted on the same grounds by: Judge Daniels in *Delacruz v. Converse Inc.*, No. 1:19-cv-10293 (S.D.N.Y. Mar. 5, 2020); Judge Failla in *Calcano v. Guess ?, Inc.*, No. 1:19-cv-10441 (S.D.N.Y. Mar. 4, 2020); Judge Caproni in *Calcano v. Drybar Holdings LLC*, No. 1:19-cv-11389 (S.D.N.Y. Mar. 3, 2020); Judge Abrams in *Matzura v. New Balance Athletics, Inc.*, No. 1:19-cv-11344 (S.D.N.Y. Mar. 4, 2020), *Calcano v. Lululemon USA Inc.*, No. 1:19-cv-10430 (S.D.N.Y. Mar. 2, 2020), and *Delacruz v. Five Below, Inc.*, No. 1:19-cv-10294 (S.D.N.Y. Feb. 28, 2020); and Judge Woods in *Delacruz v. Jamba Juice Co.*, No. 1:19-cv-10321 (S.D.N.Y. Feb. 27, 2020) and *Calcano v. Domino's Pizza, Inc.*, No. 1:19-cv-09823 (S.D.N.Y. Feb. 24, 2020).

reason for this request is the risk associated with contracting COVID-19, I am working from home and trying to avoid contact with all persons as much as possible.

Accordingly, the Plaintiff respectfully requests that this matter be stayed pending the Court's determination of the Motion to Dismiss in *Tucker* or, in the alternative, that Initial Conference be adjourned *sine die*.

We appreciate Your Honor's consideration of this request, and thank the Court for its time and attention to this matter.

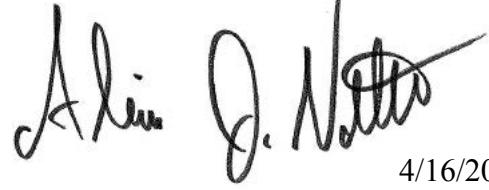
Respectfully Submitted,

Gottlieb & Associates

s/*Jeffrey M. Gottlieb, Esq.*

Jeffrey M. Gottlieb, Esq.

cc: All Counsel of Record via ECF



4/16/20

SO ORDERED.
ALISON J. NATHAN, U.S.D.J.